

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:95CR79
)	
v.)	
)	
CLARENCE ROBINSON,)	MEMORANDUM OPINION
)	
Defendant.)	
)	

This matter is before the Court on defendant's motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence (Filing No. [140](#)). The record in this reflects that defendant was indicted on June 14, 1995, went to trial in October of 1995, and was found guilty as to Count I of the indictment on October 16, 1995 (Filing No. 20).

Defendant was sentenced on March 1, 1996, to serve a term of life imprisonment. He appealed the conviction and sentence to the United States Court of Appeals for the Eighth Circuit on March 5, 1996, and on April 8, 1997, the Court of Appeals filed an opinion affirming both defendant's conviction and sentence.

On May 27, 1998, defendant filed a motion pursuant to 28 U.S.C. § 2255 which motion was subsequently amended pursuant to an order of the Court granting leave to amend his motion (Filing No. 100). Subsequently a hearing was scheduled on the amended § 2255 motion, and on July 24, 2001, following the

hearing, the Court entered an order denying defendant's motion (Filing No. 115).

The defendant appealed this order and on August 23, 2002, the Court of Appeals filed an opinion in which they affirmed the district court's denial of his § 2255 motion. The Court of Appeals mandate was filed on November 6, 2002 (Filing No. [130](#)).

Title 28, U.S.C. § 2244(3)(A) provides that a second or successive application under § 2255 may not be filed without having obtained approval from the United States Court of Appeals for an order authorizing the district court to consider such application. The defendant has failed to obtain leave from the United States Court of Appeals for the Eighth Circuit to file a second or successive motion. Accordingly, his motion will be denied. A separate order will be entered in accordance with this memorandum opinion.

DATED this 27th day of January, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court